

REMARKS

Claims 1-12, 14, 20-39 and 45-52 are pending in the application. Claims 1, 5-7, 20-25, 45, and 52 are rejected. Claims 2-4, 9-12, 14, 22 and 26-29 are objected to. Claims 13, 15-19, 40-44, 46-51 and 53 are subject to restriction and/or election requirement.

The examiner had rejected claims 20-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,3,4,5 of U.S. Patent No. 6,491,533.

The examiner further rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Mizukami et. al (U.S. 6,069,960). The examiner also rejected claims 5, 6, and 45 under 35 U.S.C. 103(a) as being unpatentable over Mizukami et al.

Claims 2-4, 9-12, 14, and 26-39 are objected to as being dependant upon a rejected base claim but noted to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the examiner for this indication of allowable subject matter.

Applicants have amended claims 1, 5, 45 and 52 to overcome the rejections under 35 U.S.C. 112. Claim 53 has been cancelled and claim 54 has been added. Support for the new claim may be found in FIG. 1. No new matter has been added. Applicants respectfully submit that the amendments and arguments overcome the rejections based on the art of record.

Double Patenting Rejection

Claims 20-25 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1,3,4, and 5 of US No. 6,491,533. Applicants are prepared to submit a terminal disclaimer upon an indication that all pending claims are allowable.

Claim Rejections Under 35 U.S.C. §112

The examiner rejected claims 1, 3, 5-7, 45, and 52 under 35 U.S.C.112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1, 5, 45, and 52 to remove the term "optional", in some cases replacing it to signify that the circuit is adaptable to include a secondary circuit. Applicants believe that the amendments overcome the rejections and respectfully request withdrawal of the rejection. Applicants believe that no amendment is required for claim 3, in that no use of the term "optional" is provided. Further, the examiner indicated on page 6 of the office action that claim 3 would be allowable if rewritten in independent form. Hence, applicants submit that claims 3 and 6-7 at least based on the amendments made to base claims 1 and 5 respectively.

Claim Rejections Under 35 U.S.C. §102, §103

The examiner further rejected claim 1 under 35 U.S.C. 102(e) as being anticipated by Mizukami et. al (U.S. 6,069,960). On page 3 of the office action, the examiner indicated that the secondary connector circuit was not considered as a limitation because of the use of the term "optional". Applicants submit that the amendments to claim 1 overcome the prior art. In particular, applicants submit that Mizukami fails to teach or suggest all of the elements of claim 1 because Mizukami makes no suggestion or teaching as to the audio circuit being adaptable to include a secondary connector circuit having the particulars further recited in the claim. Moreover, applicant submits that claim 1 is patentable over the art of record for at least the additional reason that Mizukami fails to teach or suggest a primary connector.

In specific, applicants believe that the examiner's reading of Mizakami's line output audio amplifier (2) as a "primary connector" is in error. The guidance provided by MPEP section 2111.01 generally provides that the words of a claim must be read as they

to the line output audio amplifier (2) as a connector. In fact, the description relating to FIG. 2 describes the entire figure as a connector device that includes as a subset the jack J. The description further clarifies that the overall device includes block 11, an amplifying apparatus, and that the output amplifier 2 is a subpart of the amplifying apparatus 11 (col. 3, line 35 to col. 4, line 65). To be sure, Mizukami mentions that the output terminal of the audio amplifier 2 is connected to a contact of the jack J, but this does not transform an electrical circuit such as the output audio amplifier 2 into a "connector". Thus, claim 1 is submitted to be patentable for at least the foregoing reasons. For these same reasons, independent claims 45 and 52 are submitted to be patentable over Mizukami. That is, Mizukami fails to teach or suggest the audio circuit adaptable to include the secondary connector circuit as recited in claim 45 or the step of removably coupling a secondary connector to the sound source via the header as recited in claim 52. Further, claims 45 and 52 both recite a primary connector, a limitation neither taught nor suggested by Mizukami. Claim 20 is rejected only on a double patenting rejection and is submitted to be allowable as discussed above. New claim 54 is patentable over the art of record for at least the reason that the prior art of record does not teach or suggest the header adapted for removable connection with the secondary circuit having a secondary jack, the jack configured to ground the first pin upon insertion of a secondary plug.

Claims 2-12, 14, and 21-39 are dependant pending claims submitted to be allowable due to at least their dependencies from an allowable claim. Moreover, the dependent claims recite additional limitations, and are therefore allowable for these reasons as well. Further discussion of these distinctions is believed unnecessary in light of the distinctions discussed above relative to the independent claims.

Claims 13 and 46-51 are dependant claims drawn to a nonelected species and withdrawn from consideration by the examiner. Applicants submit that the independent claims (1 and 45) are linking claims and that the above restricted claims depend from the independent claims. Upon the finding of allowable subject matter in the independent claims, applicants request that the examiner withdraw the restriction requirement to claims 13 and 46-51 and likewise allow those claims.

Conclusion

Accordingly, it is submitted that all issues in the Office Action have been addressed, and withdrawal of the rejections is respectfully requested. Applicants believe that this application is in condition for allowance, and respectfully request a prompt passage to issuance. If the Examiner believes that a telephone conference would expedite the prosecution of this application, he is invited to contact the Applicants' undersigned attorney at the telephone number set out below.

Respectfully submitted,



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